See further on this subject 6 MICH. LAW REV. 322-5; also *Right of Privacy*, 8 MICH. LAW REV. 221-2; *Duty to Submit to Physical Examination*, 1 MICH. LAW REV. 71, 193-211, 277, 669.

EQUITY—RECONVERSION.—A testator in his last will directed his land to be sold and the proceeds to be distributed to his children and the heirs of their bodies as legatees. He provided that should any legatee die without issue his legacy should return to the other children. Plaintiffs, grandchildren of the testator, claim a right to their father's share of this land under the will by asserting a reconversion. Defendants, children of another legatee, claim it through purchase by their father, who had used his legacy in payment of the purchase-price of the portion of the land held by defendants. *Held*, for defendant on ground that his title depends on purchase from the testator's title and not on reconversion. *Hibbler et al* v. *Oliver et al*, (Ala. 1915) 69 So. 477.

The court here had to interpret the effect of the legatee's method of acquiring title to this land. The chancery court had allowed two of the five legatees to exchange their legacies in this converted property for a corresponding interest in the land. It is well settled that a mandatory provision in a deed to sell land and distribute the proceeds constitutes a conversion. *Fletcher* v. *Ashburner*, 1 Bro. Ch. 499, *Burbach* v. *Burbach*, 217 Ill. 547, 75 N. E. 519. It is also a well recognized principle of equity jurisprudence that there can be a reconversion by election of all the beneficiaries. *Willing* v. *Peters*, 7 Pa. 287; *Duckworth* v. *Jordan*, 138 N. C. 520, 51 S. E. 109. The election must be made by all, because the direction of the will or deed gives each beneficiary a right to have the whole sold and necessarily denies to each the right to reconvert his single share. In the principal case the court avoided going against such well settled principle by treating the exchange by part of the beneficiaries of their legacies for shares in the property as a sale. But still this in reality forces only a sale of a part of the property and has the effect of a reconversion by election of a part of the beneficiaries. It might be noticed that each beneficiary's interest under the will was to become absolute only upon his death leaving issue of his body. This condition necessarily attached to the personalty since the conversion occurs upon death of the testator. *Robert* v. *Corning*, 89 N. Y. 225; *Starr* v. *Willoughby*, 218 Ill. 485; 2 L. R. A. (N. S.) 623.

EVIDENCE—WAIVER BY CONTRACT OF PRIVILEGE OF PHYSICIAN AND PATIENT.—In an action by the beneficiary on an insurance certificate, the application for which contained an express waiver for the insured and his beneficiary of all privileges or benefit disqualifying any physician from testifying concerning information obtained about him in a professional or other capacity, and also of the provisions of all laws which would conflict with such agreement, *Held*: the waiver contained in the application was against public policy and void, and the testimony of the attending physicians as to all knowledge obtained by them in such capacity was properly excluded. *Gilchrist* v. *Mystic Workers of the World*, (Mich. 1915) 154 N. W. 575.

Under statutes similar to that in force in Michigan previous to the amendment by Act No. 234, Pub. Acts 1909 (see Comp. Laws 1897, §10181, How. St. §12826) the courts have quite uniformly held that the statute confers a privilege which may be waived by the patient by contract, and is not declaratory of any public policy. *Trull* v. *Modern Woodmen of America,* 12 Idaho 318, 85 Pac. 1081; *Metropolitan Life Ins. Co.* v. *Willis,* 37 Ind. App. 48; *Geare* v. *U. S. Life Ins. Co.* 66 Minn. 91, 68 N. W. 731; *Keller* v. *Home Life Ins. Co.,* 95 Mo. App. 627, 69 S. W. 612; *Modern Woodman of America* v. *Angle,* 127 Mo. App. 94, 104 S. W. 297; *Andreveno* v. *Mutual R. F. L. Ass'n,* 34 Fed. 870; *Fuller* v. *K. of P.,* 129 N. C. 318, 40 S. E. 65; *Western Travelers' Acc. Ass'n.* v. *Munson,* 73 Neb. 858; *Foley* v. *The Royal Arcanum,* 151 N. Y. 196, 45 N. E. 456; WIGMORE, Ev. §2388. Subsequent to the decision of the New York Court in *Foley* v. *The Royal Arcanum, supra,* the section of the Code (Code of Civ. Proc. §834) was amended by amending §836, which made it necessary that the privilege be waived upon a trial or examination. Under this amendment, the New York court held that a previous waiver by contract by the patient was void. *Holden* v. *The Metropolitan Life Ins. Co.,* 165 N. Y. 13, 58 N. E. 771. The decision in the principal case is based upon the amendment to the Michigan statute by Act No. 234, Pub Acts 1909. This provides one and only one instance in which a waiver may be made after the decease of the patient, and applying the familiar rule of statutory construction, "*expressio unius, exclusio alterius,*" the court arrived at the conclusion that a previous express waiver by the patient was void. Since the privilege is entirely statutory, whether or not the right to waive it by express contract exists must depend upon the construction of the particular statute involved.

EXECUTORS AND ADMINISTRATORS—RIGHT TO PURCHASE CLAIMS AGAINST THE ESTATE.—A testator, by his will, made his wife executrix, and directed her to sell the property at the end of five years; after keeping one-third of the proceeds for herself and her heirs she was directed, after payment of certain minor bequests and legacies, to pay over the remainder to the "Swedish Mission Society of Chicago, Ill." as residuary legatee. The residuary legatee was misnamed as it was the intention of the testator that the proceeds should go to "The Swedish Evangelical Mission Covenant in America." At the expiration of the time, the executrix conveyed the property to W., who immediately reconveyed to the executrix. The executrix then paid the minor bequests and legacies, bought the interest of the residuary legatee for $31 and now claims title to the land, although the interest of the residuary legatee was, if valid, worth $4000. *Held,* in an action to quiet title in the plaintiff, who was purchaser of the interests of the heir of the testator, that by an application of the doctrine of equitable conversion, the realty was converted into personalty at the death of the testator; that the residuary legatee was competent to take, and therefore the heirs took nothing by inheritance which could pass to the plaintiff. The executrix having settled the claim of the residuary legatee, concerning which settlement no complaint is made by such legatee, she therefore has the